REMARKS

Claims 1, 4, 6, 9, 12, 22, 24, 34-47, and 50-55 are currently pending in the present application, with Claims 1, 4, 6, 9, 12, 22, 40, 44, 50, and 51 being amended, and Claims 52-55 being added. Reconsideration and reexamination of the claims are respectfully requested.

The Examiner rejected Claims 1 under 35 U.S.C. § 112, first and second paragraphs. Applicants have amended Claim 1 (as well as Claims 4, 6, 9, and 12) to delete the language noted by the Examiner. Applicants believe all of the claims as amended are in compliance with 35 U.S.C. § 112.

The Examiner rejected Claims 1, 4, 6, 9, 12, 22, 24, 34-47, 50, and 51 under 35 U.S.C. § 103(a) as being unpatentable over Firzsimmons (U.S. Pub. No. 2002/00668991) in view of Mankovitz (U.S. patent no. 5,949,492). This rejection is respectfully traversed with respect to the amended claims.

Applicants first note that Pub. No. 2002/00668991 was filed in the U.S. on June 15, 2001, while the present application was filed in the U.S. on March 20, 2001. Accordingly, Pub. No. 2002/00668991 is not prima facie prior art reference to the present application. While Pub. No. 2002/00668991 claims priority from application no. 09/594,697, which was filed on June 6, 2000, Pub. No. 2002/00668991 was filed as a continuation-in-part application rather than a continuation application. Accordingly, Applicants requests that the Examiner provide the necessary support to establish Fitzsimmons as a prior art reference under 35 U.S.C. § 102(e) (see., e.g., M.P.E.P. 2136.03, Section III).

Notwithstanding whether Fitzsimmons is a prior art reference to the present application, Applicants respectfully traverse the rejection on substantive grounds.

As previously communicated, the present invention is directed to a method, apparatus, and computer-readable medium for purchasing music piece data from a server on a network, such as the Internet.

With respect to Claims 1, 4, 6, 9, 12, and 22, the claim invention is more specifically directed to a system having a removable external storage device that stores various display

21

Serial No. 09/823,704
Docket No. 393032024300

la-780532

information data for displaying, on a user terminal and on an off-line basis, emulation screens that emulate one ore more merchant sites, such as an on-line merchant website on the Internet. The external storage device also stores address information for each of the emulated merchant sites so as to direct a user's browser to that merchant's actual website so that the actual website can be displayed on the user terminal. Importantly, the emulated screen is similar in both appearance and in function to the actual merchant website, so as to provide the same look and feel of the merchant website that a customer may come to expect. At the same time, if the user is not familiar with the merchant website, then the user can first use the emulation screen to learn how to use the merchant website (such as a music-piece-data selling website) before actually accessing the merchant website so as to avoid any delay or mistakes when actually using the merchant website.

Since the emulation screen can be accessed from off line, the user can save network resources, and perhaps save the trouble of connecting to the Internet at an inconvenient time, by first spending time on the emulation screen while off line, familiarize him or herself with the navigation of the merchant website, before actually accessing the merchant website to make any purchases.

Finally, once the user is ready to access the actual merchant website (e.g., the user has chosen a product and a merchant), then the merchant's actual website can be called up by the stored address information (such as an URL) for completing the transaction. Specifically, by activating or manipulating an access button displayed on the emulation screen, the terminal automatically reads out the network address of the actual merchant website, accesses the actual merchant website, and switches the displayed screen from the emulation screen to the screen of the actual merchant website.

With respect to independent Claims 1, 4, 6, 9, 12, and 22, neither Fitzsimmons nor Mankovitz contain any disclosure or suggestion of displaying an emulation screen that imitates a screen of a merchant website, wherein the emulation screen is similar in both design and in function to the actual merchant website. Furthermore, neither one of the references teach or

<div align="center">22</div>

suggest accessing the actual merchant website simply via an access button on the emulation screen. Rather, Fitzsimmons simply discloses a guide display terminal to be given to a visitor of a facility (e.g., a museum or art gallery), while Mankovitz discloses an apparatus for ordering supplemental information about programs to be used on a terminal.

With respect to Claims 34 and new Claims 52, and 53, neither Fitzsimmons nor Mankovitz contain any disclosure or suggestion of separately displaying visual representations of a music piece data that distinguishes whether the music piece data may be acquired from a server via a network, or via an external storage medium directory. In fact, neither reference teaches or suggests storing music piece data in an external storage medium.

With respect to Claims 40, 44, 50, and 51, neither Fitzsimmons nor Mankovitz contain any disclosure or suggestion of, in response to user designating a portion of a music piece, a server determines a selling price of the music piece portion. Col. 16, lines 48-58 of Mankovitz simply discusses setting selling prices for an album or a song; it does not disclose or teach determining a selling price of a portion of a music piece data in response to a user designation of that music piece portion.

Finally, Applicants traverse the Examiner's combination of Fitzsimmons and Mankovitz. Fitzsimmons is directed to a system for operating a display facility at a public place such as a museum, while Mankovitz is directed to accessing information related to TV programs. The two references are directed to methods and systems of completely different purposes. The Examiner simply does not point to any teachings or suggestions in either Fitzsimmons or Mankovitz that would provide motivation for their combination.

In view of the foregoing, Applicants respectfully submit that all of the pending claims are not obvious in view of, Fitzsimmons and Mankovitz. If the Examiner believes it would further advance the prosecution of the present application, he is respectfully requested to contact the undersigned attorney.
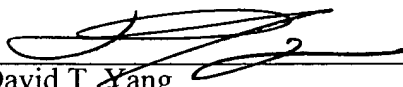
In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for

any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 39303.20243.00.

Respectfully submitted,

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la-780532